

REMARKS

This is in response to the Office Action of September 30, 2008. With this response, claims 1 and 109 are amended, new claims 113 and 114 are added and all pending claims 1-43, 45, 47-54, 56, 109 and 111-114 are presented for reconsideration and favorable action.

In the Office Action, the claims were rejected based upon Gollomp (US 6,424,157) in view of Roberts (US 6,570,385). It is believed that the claims are patentably distinct from these references.

With this response, Applicant notes that the independent claims state that the starter test is based upon, or is a function of, a result of a performed battery test. Support for this is shown at, for example, Figure 3 of the instant application.

The Gollomp reference is cited as showing this element. However, the cited sections of Gollomp merely state that the result of the battery test is available within the vehicle monitoring system. These cited sections do not state that the result of the starter test is based upon the result of the battery test. For this reason the rejection should be withdrawn.

Further, the independent claims state that the charging system test is based upon the result of the battery test. Support for this can be found at, for example, page 22, lines 15-19 of the instant application. This is not shown by the Gollomp reference.

In view of the above amendments and remarks, it is believed that the rejection should be withdrawn.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or

cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: /Judson K. Champlin/
Judson K. Champlin, Reg. No. 34,797
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

JKC:lrs